from the bar or from the service. He also suggested that the pay both of judges and Munsiffs and of the ministerial staff should be adequately enhanced. In order to relieve the pressure of work in the District Courts the member proposed that the jurisdiction of Munsiffs might be revised. In regard to the disposal of cases by judges and Munsiffs, the member agreed that the circular fixing the minimum number of cases to be disposed of by these officers had salutary results, but at the same time he pointed out that in their eagerness to show the required percentage of disposals the officers failed at times to do justice to their work. He therefore suggested that the minimum prescribed might be revised and that the quality of the work turned out by the several officers might be scrutinised. In order to ensure the due service of summons and processes, the number of peons and amins might be raised, and their work as of the other members of the ministerial staff might be closely supervised by the presiding officers. Other suggestions which the member had to offer for the better working of the department were :

(*a*) Affidavits to be presented to courts might be allowed to be sworn before vakils also ;

(*b*) Head clerks might be authorised to leave in the custody of court officers judgment debtors brought under arrest on days when the court was not sitting ;

(*c*) The bedding charges to be deposited by decree-holders when judgment debtors were sent to jail might be reduced from Rs. 4 to Rs. 2 ;

(*d*) Vakils' fee might be allowed in small cause suits also whether they were contested or not ;

(*e*) Copies of judgments in Munsiffs' courts might be typed instead of being written ;

(*f*) Temporary Munsiffs when appointed might be given the work of Principal Munsiffs and the latter directed to clear off arrears.

(*g*) Tahsildars might not be invested with magisterial powers.

DEWAN'S REPLY : Mr. Govinda Pillai, I am happy to tell you that the whole question of the system of recruitment to the judicial service has been taken up and it has been decided to revise the methods almost at once. And of course the question of the ministerial establishments of the courts will also engage the attention of the High Court.

In regard to other suggestions, namely, the subject of affidavits etc., I shall have your representation conveyed to the High Court.

17. Law courts with special reference to the Munsiff—Magistrate's court at Shencotta.

MR. S. K. SIVASUBRAHMONYA PILLAI (*Member, Shencotta taluk*) said that the District Munsiff, Shencotta, should be given the same pecuniary jurisdiction as the District Munsiff, Devicolam. The considerations which applied to the one *viz.*, the heavy cost and difficulties of communication, the habits and customs of the people, the low standard of literacy etc., applied equally well to the other. There was no reason therefore why there should be a distinction between the pecuniary jurisdiction of the two courts.

The next subject taken up by the member was the repeal of the rule requiring that all cases in which Government were a party should be tried in District courts. The existence of this rule caused great inconvenience to the poor parties who had, for even trifling suits, to go to the District courts situated at the centre of the districts. There was certainly one objection against the repeal of the rule *viz*, that there were no Sirkar Vakils attached to Munsiffs' courts. But this difficulty could be easily overcome by engaging private vakils in Munsiffs' courts, who could work under the supervision of the District Court Sirkar Vakils.

The member next urged that the Tahsildar, Shencottah, should be invested with a Second Class Magistrate's powers, the First Class Magistrate being given appellate jurisdiction over him.

As regards the unexpended batta and process fees remaining in civil courts, the member stated that annual, if not fortnightly, statements should be published setting forth the amounts remaining in the courts.

Another reform proposed by the member was in the direction of enhancing the pay of the clerical and process establishments of courts.

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In conclusion the member stated that a waiting shed was absolutely necessary for the use of the clients and Vakils attending the courts at Shencotta.

DEWAN'S REPLY : Mr. Sivasubramonia Pillai, you have presented us with a long list of points to be settled straight away.

In regard to the first, *viz.*, the raising of the jurisdiction of the Munisiff's court at Shencotta to Rs. 5,000 that question came up at the last session of the Assembly too. The High Court then expressed the opinion that they did not consider it necessary and, upon notice of your question now, the High Court was once again consulted and they still say the same thing. That being the case, I do not think Government can accept your suggestion.

In regard to the second point, *viz.*, investing the Munsiffs with powers to try suits in which the Government forms a party, it is a question really of ways and means. It will mean appointing Government pleaders in all the Munsiffs' courts (I think there are 23 of them). The expenditure will be considerable. I have noticed that you have suggested not having Sirkar Vakils but selecting ordinary practitioners and paying them a fee for each case that they may conduct. I shall consult the Judges of the High Court on that suggestion of yours. But I doubt whether the volume of Sirkar cases that will fall to the Munsiffs' courts will be so much as to justify the very heavy expenditure upon it.. However the matter will be examined.

The other point, *viz.*, investing the Tahsildar, Shencotta, with second class magisterial powers and the Munsiff-Magistrate there being given appellate jurisdiction over him, this too the High Court deprecates as unnecessary.

The publication of lists of unexpended batta as an annual statement is being considered by the High Court.

The need for increasing the pay of clerical and process establishments of courts is also engaging the attention of the High Court and they hope to send up proposals to Government before long.

In regard to the shed attached to the Shencotta Munsiff's court, for the use of clients, that too cannot be considered piecemeal. The High Court have called for a list of such sheds required at other courts too, and will make consolidated recommendations to Government.

18. Judicial Department.

MR. KORA THOMAS (*Member, Changanachery taluk*) spoke on three points in regard to the Judicial department. First, he dealt with the extraordinary delay in the disposal of suits both civil and criminal. He made particular reference to the long pendency of suits under sections 90 and 128 of the Criminal Procedure Code which by their very nature had to be disposed of summarily and with the least possible delay. In order to put a stop to this state of affairs, the member suggested the appointment of a Laws Delays Committee.

Next, the member pointed out several defects in the system of combining the powers of a Magistrate and a Munsiff in the same person. The system did not in the first place make for the speedy despatch of work. Secondly, in the capacity of the Magistrate, the officer concerned had to come very often into personal contact with men and the prepossessions which he naturally entertained about individuals were liable to prejudice the fair trial of many civil suits by him. Thirdly, instances were conceivable in which both a civil and a criminal action would lie in respect of the same subject matter. For example in the case of a dispute about immovable property a criminal action would lie under Section 128 of the Criminal Procedure Code as also a civil action for possession of property. In such a case it was hard to believe that the officer who had disposed of the criminal suit would be able to approach the civil suit with an entirely unbiassed mind. Fourthly, as a Magistrate the officer had often to be in camp, which would affect the execution of his civil work. Fifthly, in his two capacities, the officer was under a two-fold control. For these reasons it was very desirable that separate Magistrates and Munsiffs should be appointed in the place of Munsiff-Magistrates, the only exception that might perhaps be made being in the case of the Devicolam Division.

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